

## REMARKS

The claims have been amended to more precisely define the invention. In particular, claims 1, 7, and 13-15, have been amended in keeping with the Examiner's suggestions, claims 10-12 and 16-21 have been cancelled, and new claims 22 to 36 have been added to the application. The specification has been amended to provide the ATCC Accession No. and deposit date for inbred corn line SE8505 as requested by the Examiner. Support for the newly added claims can be found throughout the detailed disclosure and claims. Accordingly, it is submitted that no new matter has been added to the application.

Claims 1-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is traversed and it is submitted that the claims now in the application are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph are requested.

Claims 1-21 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is traversed and it is submitted that the claims now in the application, in light of the amended specification, are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are requested.

Claims 10-12, 15-18 and 20-21 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is traversed and it is submitted that the claims now in the application are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are requested.

Claims 15-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed and it is

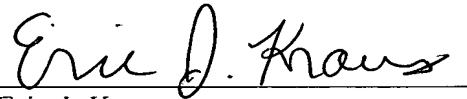
submitted that the claims now in the application are in full compliance with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are requested.

Claims 10-11, 16 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under § 35 U.S.C. 103(a) as obvious over U.S. Patent No. 6,372,969 to Stangland. This rejection is traversed and it is submitted that the claims now in the application are in full compliance with the requirements of 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under § 35 U.S.C. 103(a)

In view of the amendments and remarks presented with this response, it is urged that the rejections of record are overcome and the present application is in condition for allowance. Favorable consideration of this application is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 04-1529 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in cursive script, reading "Eric J. Kraus", written in dark ink.

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